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ACT OF STATE IN ENGLISH LAW. By W. Harrison Moore. London: John Murray. 1906. pp. xi, 178. 8vo.

When we learn on the first page of the introduction that "in modern times 'matter of state' connotes that the relation to which it applies is not one of law, or at any rate of municipal law," we expect to be led through fields of theoretical discussion of abstract points, never to be brought out in courts of law. But some one hundred and sixty cases, many of them arising on questions of the annexation of territory and the peculiar nature of our states as independent sovereignties, have given the author a considerable framework whereon to build. A chapter is devoted to the difficult subject of the status of martial law in our system of jurisprudence. After considering the various theories and the law as presented by the cases, Mr. Moore suggests as a solution the view taken in *Ex parte* Marais ([1902] A. C. 109) that "war exists not merely where the civil courts have been overthrown, but also wherever the circumstances of the war have made the military authority predominant in fact, so that all other organs are plainly subordinate to them." It then remains for a civil court to determine whether war exists at a given place by making an inquiry into the actual exigencies of the military situation, but without considering any question of justifying by necessity the particular act complained of. Under this view civil society is not dissolved even temporarily, but a military organization is superimposed upon it. The question of how far the adoption by his sovereign of the act of an alien, otherwise a crime against the law of another country, will yield immunity to that subject is interestingly considered. The difficulty lies in the fact that adoption by the foreign sovereign should make it an "act of state" not conusable in municipal courts, but a matter to be settled through diplomatic channels, whereas such a view, if admitted to its full extent, would have the effect of surrendering to such sovereign jurisdiction over another soil. The widespread consequences of Quinn *v.* Leathem ([1901] A. C. 495) are shown by the suggestion, apart from the question of act of state, that since an alien has liberty, though no right, to enter British territory, by that case any effectual prohibition would undoubtedly be an actionable wrong. The discussion of the rights and obligations of an individual under a treaty is also particularly pertinent.

Where there is an extended discussion of the principle of a case it is perhaps unfortunate that the facts are not always stated together with the *ratio decidendi*, so that the reader may form his own conclusion as to the principle to be deduced. The carelessness of the proof-reader at one or two points is painfully evident, and it would be a convenience, where reference is made to a case already taken up, to have the page on which it is discussed mentioned. These minor blemishes cannot detract from the interest and intrinsic value of a volume which shows the result of much thought and research upon a comparatively undiscussed subject.

M. F.

OUTLINES OF CRIMINAL LAW. By Courtney S. Kenny. Revised and adapted for American Scholars by James H. Webb. New York: The Macmillan Company. 1907. pp. xxi, 404. 8vo.

In preparing this edition two classes of readers have been kept in mind by the editor: first, the student of law; secondly, the general reader and students of subjects wherein a general knowledge of criminal law may be of advantage. The original English edition contained chapters on the English courts and procedure, the problems of punishment and coming changes in the criminal law. These have been omitted from the present edition.

Considering the work from the point of view of the general reader or student who is not engaged in a technical study of the law, the work deserves commendation. The lucidity of expression, the illustration of abstract principles by interesting cases, the discussions of the nature of a crime and the purpose of punishment, make the book attractive and very readable.

From the point of view of its adaptation to the use of the student of law in an American law school, the work, admitting its above-mentioned merits, is, perhaps, more open to adverse criticism. The proportion of American to English